

# DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

## NOTICE OF PROPOSED REGULATORY ACTION

TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2,  
ADOPT NEW CHAPTER 12, ARTICLE 1, AND SECTION 1875

### COMPUTER CRIME REPORTING FOR STATE AGENCIES (CHP-R-05-03)

The California Highway Patrol (CHP) proposes a new regulation in Title 13, California Code of Regulations, related to requirements for computer crime reporting for state agencies.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 14615 (b) of the California Government Code (GC) states in part, *“The Department of the California Highway Patrol has jurisdiction over those matters related to the security of state officers, property, and occupants of state property.”*

In addition, Section 14613.7 (a) GC states in part, *“Each state agency that is protected by the Department of the California Highway Patrol, those state agencies currently being protected by contract private security companies, or those state agencies currently under contract with a local governmental law enforcement agency for general law enforcement services, excluding all current mutual aid agreements, shall, as soon as practical, report to the Department of the California Highway Patrol all crimes and criminally caused property damage on state-owned or state-leased property where state employees are discharging their duties.”*

The CHP proposes a new regulation requiring representatives of state agencies to immediately notify the CHP via the California State Warning Center upon discovery of all computer related crimes, as required by 14613.7(a) GC.

The California State Warning Center is available 24 hours a day, seven days a week, to receive reports of computer crimes from state agencies.

#### PUBLIC COMMENTS

Any interested person may submit written comments on this proposed action via facsimile at (916) 657-8196 or by writing to:

CHP, Information Management Division  
ATTN: Officer Jerry Jacobs  
2555 First Avenue  
Sacramento, CA 95818

Written comments will be accepted until 5:00 P.M., June 13, 2005.

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Information Management Division, no later than 15 days prior to the close of the written comment period.

### **AVAILABILITY OF INFORMATION**

The CHP has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based (the rulemaking file), and the proposed regulation text. Requests to review or receive copies of this information should be directed to the CHP at the above address, by facsimile at (916) 657-8196 or by calling the CHP, Information Management Division at (916) 657-7171. Facsimile requests for information should include the following information: the title of the rulemaking package, the requester's name, proper mailing address (including city, state and zip code), and a daytime telephone number in case the information is incomplete or illegible.

The rulemaking file is available for inspection at the California Highway Patrol, Information Management Division, 2555 First Avenue, Sacramento. Interested parties are advised to call for an appointment.

All documents regarding the proposed action are also available through our web site at [www.chp.ca.gov/regulations](http://www.chp.ca.gov/regulations).

Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above noted address. Copies will also be posted on our web site.

### **CONTACT PERSON**

Any inquiries concerning the written materials pertaining to the proposed regulations should be directed to Paul Congi or Jerry Jacobs, CHP, Information Management Division at (916) 657-7171. Inquiries regarding the substance of the proposed regulations should be directed to Jerry Jacobs.

### **ADOPTION OF PROPOSED REGULATIONS**

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or nonsubstantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

## **FISCAL AND ECONOMIC IMPACT**

The CHP has made an initial determination that this proposed regulatory action: (1) will have no affect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) involves no nondiscretionary or reimbursable costs or savings to any local agency, school district, or state agency, or federal funding to the state; (4) will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California; and (5) will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states. The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

## **COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES**

The California Highway Patrol is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

## **EFFECT ON SMALL BUSINESSES**

The California Highway Patrol has determined that the proposed regulatory action will have no effect on small businesses.

## **ALTERNATIVES**

In accordance with Government Code Section 11346.5(a)(13), the California Highway Patrol must determine that no reasonable alternative considered by the California Highway Patrol, or that has otherwise been identified and brought to the attention of the California Highway Patrol, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. The California Highway Patrol invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

## **AUTHORITY**

This regulatory action is being taken pursuant to Sections 14613.7(a) GC and 2402 of the Vehicle Code (VC).

## **REFERENCE**

This action implements, interprets, or makes specific Sections 14613.7(a) GC.

DEPARTMENT OF THE CALIFORNIA HIGHWAY PATROL  
G. A. DOMINGUEZ, Chief  
Information Management Division